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**<sup>■</sup>ALSO ADMITTED IN NEW JERSEY**

**SHAUN K. HOGAN<sup>+</sup>**  
**MICHAEL D. CASSELL<sup>■</sup>**

October 7, 2021

**BY ECF**

Magistrate James M. Wicks  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 1020  
Central Islip, New York 11722

Re: Stephen Flanagan v. William G. Prophy, et al.  
Civil Action No.: 18 CV 1303 (JMW)

Dear Judge Wicks;

This firm represents the Defendants in this action, which is scheduled for trial on October 12, 2021. I write to respectfully request a tele-conference to address a time sensitive issue in this action. Less than one hour ago, Plaintiff's counsel issued a Subpoena Duces Tecum in this action, which calls for production of records that have not previously been referenced or produced. Counsel's notice to me indicated that production of the requested documents will likely occur shortly. A copy of opposing counsel's email and subpoena are attached. In light of the foregoing, we respectfully request a conference with the Court to address this matter.

Thank you for your consideration.

Respectfully submitted,

HOGAN & CASSELL, LLP

Shaun K. Hogan

Encl.

cc: William T. Lavelle, Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Case No.: 18-cv-1303(JS)(JMW)

**JUDICIAL SUBPOENA  
DUCES TECUM**

-----X  
STEPHEN FLANAGAN, as a Trustee of the GENERAL  
BUILDING LABORERS' LOCAL 66 VACATION FUND;  
STEPHEN FLANAGAN, as a Trustee of the GENERAL  
BUILDING LABORERS' LOCAL 66 WELFARE FUND;  
STEPHEN FLANAGAN, as a Trustee of the GENERAL  
BUILDING LABORERS' LOCAL 66 PENSION FUND;  
STEPHEN FLANAGAN, as Trustee of the GENERAL  
BUILDING LABORERS' LOCAL 66 ANNUITY FUND;  
STEPHEN FLANAGAN, as a Trustee of the GENERAL  
BUILDING LABORERS' LOCAL 66 LABORERS'  
EMPLOYER COOPERATIVE AND EDUCATIONAL TRUST  
FUND; STEPHEN FLANAGAN, as a Trustee of the GENERAL  
BUILDING LABORERS' LOCAL 66 GREATER NY  
LABORERS' EMPLOYER COOPERATIVE AND  
EDUCATIONAL TRUST FUND; STEPHEN FLANAGAN, as a  
Trustee of the GENERAL BUILDING LABORERS' LOCAL 66  
TRAINING PROGRAM; STEPHEN FLANAGAN, as a Trustee  
of the GENERAL BUILDING LABORERS' LOCAL 66 NEW  
YORK STATE HEALTH AND SAFETY FUND; STEPHEN  
FLANAGAN, as Business Manager of GENERAL BUILDING  
LABORERS' LOCAL UNION NO. 66 of the LABORERS'  
INTERNATIONAL UNION OF NORTH AMERICA, AFL-  
CIO,

Plaintiffs,

-against-

WILLIAM G. PROPHY LLC dba WGP CONTRACTING INC.  
and WILLIAM G. PROEFRIEDT,

Defendants.

-----X  
TO: Village of Patchogue Town Clerk  
4 Baker Street # 6  
Patchogue, NY 11772

**GREETING:**

WE COMMAND YOU, that all business and excuses being laid aside and that you  
immediately produce the following document:

- a copy of the "bid" that defendant, WGP CONTRACTING INC.

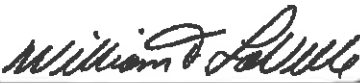
submitted to the Village of Patchogue for work performed at the  
Village of Patchogue Sewage treatment plant

***Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.***

Dated: October 7, 2021  
Patchogue, New York

Yours, etc.,

**LAVELLE LAW & ASSOCIATES, P.C.**

By:   
WILLIAM T. LAVELLE, ESQ.  
Attorney for Plaintiffs  
57 East Main Street  
Patchogue, New York 11772  
(631) 475-0001

TO: Shaun Hogan, Esq.  
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500 North Broadway, Suite 153  
Jericho, NY 11753  
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## **Shaun Hogan**

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**From:** LaVelle Law & Associates P.C. <wtlpc@aol.com>  
**Sent:** Thursday, October 7, 2021 12:21 PM  
**To:** skhogan@hogancassell.com  
**Subject:** Re: Flanagan-v-Prophy  
**Attachments:** subpoena.pdf

Shaun:

Attached is a subpoena duces tecum that I served today of the Village of Patchogue. I will be receiving the subpoenaed documents shortly and when I receive them I will e-mail them to you.

Bill  
William T. LaVelle, Esq.  
LaVelle Law & Associates P.C.  
57 East Main Street  
Patchogue, NY 11772  
P: 631-475-0001  
F: 631-447-7150